

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 15030US02)

In the Application of:

Lakshman Ramakrishnan et al.

Serial No.: 10/716,008

Filed: November 18, 2003

For: SYSTEM AND METHOD FOR
EFFICIENTLY STORING
MACROBLOCKS IN SD-RAM

Examiner: Behrooz M. Senfi

Group Art Unit: 2621

Confirmation No.: 4199

Transmitted via the Office electronic filing
system September 16, 2010.

**APPLICATION FOR RECONSIDERATION OF THE
DETERMINATION OF PATENT TERM ADJUSTMENT
UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE
(37 CFR § 1.705)**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed June 16, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1306 days.

The bases under § 1.702 for the adjustment are as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 726 days, minus 0 days consumed by an appeal, for a net adjustment of 726 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was November 18, 2003,
- the third anniversary of the actual filing date was November 18, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on November 13, 2008,
- the first RCE was filed 726 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Reductions in Patent Term Adjustment

Removing Overlap

- Two or more grounds of delay overlap from November 18, 2006, to October 3, 2007, totaling 319 days of delay.

- Two or more grounds of delay overlap from June 28, 2008, to July 14, 2008, totaling 16 days of delay.

This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR.

Three Months to Respond to Office actions (37 CFR § 1.704(b))

The applicant is contesting the following application(s) of 37 CFR § 1.704(b) to reduce the patent term adjustment in the present application.

Period from March 1, 2009, to March 2, 2009

- The pertinent Office action was mailed on December 1, 2008,
- The date three months after the mailing date of the Office action is Sunday, March 1, 2009,
- The response to the Office action was filed on Monday, March 2, 2009,
- The reduction in the patent term adjustment proposed by the USPTO is 1 days,
- The Applicant's position is that the present Office action response filed on the first business day after a deadline falling on a weekend or holiday is not late, establishing the correct reduction in patent term adjustment is 0 days. The basis for this position is 37 CFR § 1.6(a)(1), which states in relevant part, "The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia," and 37 CFR § 1.7(a), which states in relevant part: "When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be

taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday.” In this case, 37 CFR § 1.7(a) is applicable because the last day set by statute (35 USC § 154(b)(2)(C)(ii)) for taking the action of filing a response to an Office action without being “deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application,” falls on a Saturday, Sunday, or on a Federal holiday within the District of Columbia.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Positive Patent Term Adjustment

- **Three Year Guarantee
(35 USC § 154(b)(1)(B))**

| | Patent Term Adjustment (days) |
|------------------------------|--|
| USPTO Calculation | 0 |
| Applicant Calculation | 726 |

Reductions in Patent Term Adjustment

- **Removing Overlap**

| | Patent Term Adjustment (days) |
|------------------------------|--|
| USPTO Calculation | 0 |
| Applicant Calculation | 335 |

- **Three Months to Respond to Office actions
(37 CFR § 1.704(b))**

| | Patent Term Adjustment (days) |
|------------------------------|--|
| USPTO Calculation | 1 |
| Applicant Calculation | 0 |

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1306 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: September 16, 2010

By: /Mirut P. Dalal/
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Attorney for Applicants

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PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No.

10/716,008

Docket No. 15030US02

| | | PTO Calculation | | Applicant Calculation | |
|----------------------------|---|-----------------|-------------|-----------------------|-------------|
| DATE | EVENT | PTO Delay | Appl. Delay | PTO Delay | Appl. Delay |
| Tuesday, December 28, 2010 | Projected issue date | | | | |
| Wednesday, June 16, 2010 | Mail Notice of Allowance | | | | |
| Tuesday, June 15, 2010 | Document Verification | | | | |
| Tuesday, June 15, 2010 | Case Docketed to Examiner in GAU | | | | |
| Tuesday, June 15, 2010 | Notice of Allowance Data Verification Completed | | | | |
| Wednesday, June 02, 2010 | Date Forwarded to Examiner | | | | |
| Wednesday, June 02, 2010 | Disposal for a RCE / CPA / R129 | | | | |
| Tuesday, June 01, 2010 | Request for Continued Examination (RCE) | | | | |
| Monday, March 01, 2010 | Mail Final Rejection (PTOL - 326) | 27 | | 27.00 | |
| Friday, February 26, 2010 | Final Rejection | | | | |
| Tuesday, February 02, 2010 | Four months after response to Office action | | | | |
| Tuesday, December 01, 2009 | Date Forwarded to Examiner | | | | |
| Tuesday, December 01, 2009 | Date Forwarded to Examiner | | | | |
| Tuesday, December 01, 2009 | Disposal for a RCE / CPA / R129 | | | | |
| Friday, October 02, 2009 | Workflow - Request for RCE - Begin | | | | |
| Friday, October 02, 2009 | Request for Continued Examination (RCE) | | | | 30.00 |

| | | | |
|-----|------------------|----------|-----------|
| PTA | >>>>>>>>>>>>>>>> | 1031 | 117 |
| | | 914 Days | 1422 |
| | | | 116 |
| | | | 1306 Days |

| | | | | | |
|-----|------------------|----------|----------|-----------|-----|
| PTA | >>>>>>>>>>>>>>>> | 1031 | 117 | 1422 | 116 |
| PTA | >>>>>>>>>>>>>>>> | 914 Days | 914 Days | 1306 Days | |

[illegible][illegible][illegible]

| | | | | | | |
|--|-----|--------------|----------|-----|-----------|-----|
| | PTA | >>>>>>>>>>>> | 1031 | 117 | 1422 | 116 |
| | PTA | >>>>>>>>>>>> | 914 Days | | 1306 Days | |

[illegible]

| | | | | | |
|-----|-------------------|----------|----------|-----------|-----|
| PTA | >>>>>>>>>>>>>>>>> | 1031 | 117 | 1422 | 116 |
| PTA | >>>>>>>>>>>>>>>>> | 914 Days | 914 Days | 1306 Days | |

| | | |
|------------|---|----------------------|
| 10/716,008 | SYSTEM AND METHOD FOR EFFICIENTLY STORING MACROBLOCKS IN SD-RAM | 08-12-2010::11:37:00 |
|------------|---|----------------------|

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/716,008

| | | | |
|------------------------------|------------|--------------------------------------|-----|
| Filing or 371(c) Date: | 11-18-2003 | USPTO Delay (PTO) Delay (days): | - |
| Issue Date of Patent: | - | Three Years: | - |
| Pre-Issue Petitions (days): | - | Applicant Delay (APPL) Delay (days): | - |
| Post-Issue Petitions (days): | - | Total PTA (days): | 914 |
| USPTO Adjustment(days): | - | Explanation Of Calculations | |

Patent Term Adjustment History

| Date | Contents Description | PTO(Days) | APPL(Days) |
|------------|---|-----------|------------|
| 06-16-2010 | Mail Notice of Allowance | | |
| 06-15-2010 | Document Verification | | |
| 06-15-2010 | Case Docketed to Examiner in GAU | | |
| 06-15-2010 | Notice of Allowance Data Verification Completed | | |
| 06-02-2010 | Date Forwarded to Examiner | | |
| 06-01-2010 | Request for Continued Examination (RCE) | | |
| 06-02-2010 | Disposal for a RCE / CPA / R129 | | |
| 03-01-2010 | Mail Final Rejection (PTOL - 326) | 27 | |
| 02-26-2010 | Final Rejection | ⌘ | |
| 10-02-2009 | Workflow - Request for RCE - Begin | ⌘ | |
| 12-01-2009 | Date Forwarded to Examiner | ⌘ | |
| 12-01-2009 | Date Forwarded to Examiner | ⌘ | |
| 10-02-2009 | Request for Continued Examination (RCE) | | 30 |
| 12-01-2009 | Disposal for a RCE / CPA / R129 | | ⌘ |
| 06-02-2009 | Mail Final Rejection (PTOL - 326) | | ⌘ |
| 06-02-2009 | Final Rejection | | |
| 03-25-2009 | Date Forwarded to Examiner | | |
| 03-02-2009 | Response after Non-Final Action | | 1 |
| 12-01-2008 | Mail Non-Final Rejection | | ⌘ |
| 11-24-2008 | Non-Final Rejection | | |
| 11-17-2008 | Date Forwarded to Examiner | | |
| 11-17-2008 | Date Forwarded to Examiner | | |
| 11-13-2008 | Request for Continued Examination (RCE) | | 30 |
| 11-17-2008 | Disposal for a RCE / CPA / R129 | | ⌘ |
| 11-13-2008 | Request for Extension of Time - Granted | | ⌘ |
| 11-13-2008 | Workflow - Request for RCE - Begin | | ⌘ |
| 07-14-2008 | Mail Final Rejection (PTOL - 326) | 16 | |
| 05-25-2008 | Final Rejection | ⌘ | |
| 03-20-2008 | Date Forwarded to Examiner | ⌘ | |
| 02-28-2008 | Response after Non-Final Action | | 56 |
| 01-28-2008 | Mail Notice of Informal or Non-Responsive Amendment | | ⌘ |

| | | | |
|------------|--|-----|--|
| 01-25-2008 | Date Forwarded to Examiner | | |
| 01-03-2008 | Informal or Non-Responsive Amendment after Examiner Action | | |
| 01-03-2008 | Response after Non-Final Action | | |
| 10-03-2007 | Mail Non-Final Rejection | 988 | |
| 09-28-2007 | Non-Final Rejection | | |
| 04-03-2007 | Case Docketed to Examiner in GAU | | |
| 11-07-2006 | Case Docketed to Examiner in GAU | | |
| 03-21-2006 | Case Docketed to Examiner in GAU | | |
| 05-23-2005 | Miscellaneous Incoming Letter | | |
| 04-12-2005 | IFW TSS Processing by Tech Center Complete | | |
| 04-12-2005 | Case Docketed to Examiner in GAU | | |
| 09-01-2004 | Application Return from OIPE | | |
| 09-01-2004 | Application Return TO OIPE | | |
| 09-01-2004 | Application Return from OIPE | | |
| 09-01-2004 | Application Is Now Complete | | |
| 09-01-2004 | Application Return TO OIPE | | |
| 09-01-2004 | Application Dispatched from OIPE | | |
| 09-01-2004 | Application Is Now Complete | | |
| 08-09-2004 | Additional Application Filing Fees | | |
| 08-09-2004 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic | | |
| 08-09-2004 | Applicant has submitted new drawings to correct Corrected Papers problems | | |
| 08-02-2004 | Notice Mailed--Application Incomplete--Filing Date Assigned | | |
| 02-03-2004 | Cleared by OIPE CSR | | |
| 12-25-2003 | IFW Scan & PACR Auto Security Review | | |
| 11-18-2003 | Initial Exam Team nn | | |

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